

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Index No. 16-CR-614 (AMD)

v.

DAN ZHONG and LANDONG WANG,

Defendants.

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DEFENDANT’S VOIR DIRE REQUESTS

Defendant Dan Zhong respectfully requests that the Court ask the following questions in voir dire, with private individual follow up as necessary, in addition to the Court’s usual voir dire questions. The defendant respectfully submits that the questions listed below would aid in the selection of a fair, impartial and unbiased jury. Further below, the defendant submits a brief summary of the case as well as a list of names.

I. VOIR DIRE QUESTIONS

Identifying Consent

1. Is there any reason why you could not serve as a juror in this matter? Please remember mere inconvenience is not enough. We depend on each other to serve as jurors. It is one of our most important responsibilities as citizens of our country. Given this, do you still have reasons why you think you could not serve?

Personal Background

2. Were you born outside of the United States? If so, in what country?
3. Where do you live – neighborhood, town or city?

4. Where do you work and what do you do there? Please describe your responsibilities.
5. With whom do you live?
6. What do others you live with do for their work?
7. How far did you go in school?
8. What do you do in your leisure time? If relevant, please include what you like to watch on TV, what kind of books you like to read, and what websites you visit regularly.
9. Have you ever traveled outside of the United States and if so, where? For what purposes have you traveled (e.g., business, pleasure, study)?
10. Have you ever lived in another country, even for only a few months?
11. Have you or any family member ever applied for a visa?
12. Have you ever held a visa? What kind(s) of visa(s) have you held (e.g. immigrant, tourist, student, business worker, employee of a designated international organization (G-Visa), diplomat or foreign government official (A-Visa), other type of visa)?
13. Do you speak any languages other than English? What is your level of proficiency?

Relevant Work Experience

14. Have you ever worked (fulltime or close to it) in a foreign country? If yes, in what country/countries?
15. Have you ever done business with a company in another country (even if you have not traveled there)? If yes, where was this company (or companies) located?
16. Have you ever had a job in which you were responsible for making sure laws or regulations were complied with? Can you describe that?

Experiences with the Justice System

17. Have you ever served as a trial juror?
 - a. If yes, were you the foreperson of the jury?
 - b. Was it a civil trial or a criminal trial?
 - c. Did the jury reach a verdict?
18. Have you ever served as a grand juror?
 - a. If yes, do you understand the difference between being a trial juror and a grand juror?
19. Besides jury duty, have you ever been involved with a trial in any way – because you sued someone else, because you were sued, or because you testified as a witness, or in any other capacity?

Attitudes Toward Relevant Aspects of the Case

20. This case involves Chinese nationals who came from the People's Republic of China to work in the United States. What feelings, if any, do you have about the People's Republic of China?
21. Do you have any significant connection to the People's Republic of China?
22. What are your feelings – from admiration to suspicion or something in between – about people from foreign countries who travel to the United States without their families for a few years, to make substantially more money than they would earn at home for the same work?

Familiarity with the Case

23. Do you, or does any member of your family, or any close friend, have any specific familiarity with any of the following entities:

- a. Consulate General of the People's Republic of China in New York
- b. Embassy of People's Republic of China in the United States of America
- c. Permanent Mission of the People's Republic of China to the United Nations

If you have answered "yes" to any of the above, would anything about this prevent you from being fair and impartial?

Attitudes Regarding the Justice System

- 24. The defendant in this case has been charged by indictment and has pled not guilty. An indictment is merely an accusation and is not evidence of guilt. Is there any reason you would be unable to follow my instruction that the indictment is not evidence of guilt?
- 25. If you are selected to serve as a juror in this case, you will be instructed that the defendant is to be presumed innocent and is not to be convicted unless you are convinced of his guilt beyond a reasonable doubt. Is there any reason you would be unable to follow this instruction?
- 26. If you are selected to serve as a juror in this case, you will be instructed that the burden of proof at all times lies with the government and that that burden never shifts to the defense. Is there any reason you would be unable to follow this instruction?
- 27. If you are selected to serve as a juror in this case, you will be instructed that you are not to do any online research about the case, the defendant, any pertinent legal or other information, or any of the other parties in this case. Is there any reason you would be unable to follow this instruction?
- 28. As you sit here at this point in time, do you have an opinion as to the guilt or innocence of the defendant? Do you believe that a defendant probably is guilty simply because he is here in court?

29. If, at the conclusion of the case, you thought that the defendant may have committed some crime, but you were not convinced beyond a reasonable doubt that he is guilty of the crimes that have been charged, would you have any difficulty in following my instruction that you must, under those circumstances, find the defendant not guilty?
30. If, at the conclusion of the case, and after thoroughly listening to and deliberating with your fellow jurors, your vote as to the verdict on a count is different than the rest of your fellow jurors, would you hesitate to speak up, or to stick with your vote?
31. Would you have difficulty during jury deliberations with any of the following: listening to your fellow jurors; voicing your opinions; discussing the case fully; following the Court's instructions; or making up your own mind?

II. STATEMENT OF THE CASE

This is a criminal case against Dan Zhong, who is a permanent legal resident of the United States.

The case is about the employment of Chinese nationals who entered into employment agreements in China to perform construction work on Chinese governmental facilities in the United States, including at the Embassy of the People's Republic of China in Washington, D.C., the Consulate General of the People's Republic of China in New York, and the Permanent Mission of the People's Republic of China to the United Nations in New York. While still in China, the workers applied for and obtained visas permitting them to enter the United States.

The government has charged Mr. Zhong with charges involving forced labor, concealing passports in connection with forced labor, alien smuggling, and visa fraud. Mr. Zhong has pled not guilty and disputes all charges against him. In our system of justice, he is presumed

innocent, and must be found not guilty, unless the government proves his guilt beyond a reasonable doubt.

III. List of Names

- a. Dan Zhong
- b. Robert Cleary
- c. Dietrich Snell
- d. Brittany Benavidez
- e. Samantha Springer

Date: February 25, 2019
New York, New York

Respectfully submitted,

/s/ Robert J. Cleary

Robert J. Cleary
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Brittany N. Benavidez
Samantha Springer

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